

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA, et al.,	:	CASE NO.: C-1-02-107
	:	
	:	
Plaintiffs,	:	JUDGE S. ARTHUR SPIEGEL
	:	MAGISTRATE HOGAN
v.	:	
	:	RESPONSE TO ERIC RADTKE
	:	REQUESTS FOR REVIEW
BOARD OF HAMILTON COUNTY COMMISSIONERS, et al.	:	
	:	
	:	
Defendants.	:	

The City and County Defendants ("MSD") respond to Mr. Eric Radtke's Motion for Review (Doc #201) as follows:

1. Mr. Erick Radtke submitted a water in basement claim on June 3, 2008.
2. The MSD investigated Radtke's claim through the City of Cincinnati claims department. The Water-in-Basement Claims Administrator is Dotty Carman.
3. Ms. Carman denied the water in the basement because it was determined the back-up was caused by a problem in the owner's house lateral. (Attached Complaint MSD Form and maps demonstrating where the break occurred and location of the right-of-way attaches as exhibits A-B)
4. MSD is will repair or reconstruction of the part of a house lateral in the right of way that fails because of a broken or collapsed pipe pursuant to section 1207 of the Rules and Regulations of MSD.
5. Mr. Radtke owns the property serviced by the lateral and as such is responsible for the lateral's maintenance.

Accordingly, the MSD defendants request that the Court separately review the claimed damages, and that thereafter the Court affirm City's determination.

Respectfully submitted,

John P. Curp (0064782)
City Solicitor



Nicole L. Sanders (0077186)
Assistant City Solicitor
Room 214, City Hall
801 Plum Street
Cincinnati, Ohio 45202
Phone (513) 352-5255
Fax (513) 352-1515
E-Mail: Nicole.sanders@cincinnati-ohio.gov.
Trial attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2008 a true and accurate copy of the foregoing Response was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed to those parties who are not served via the Court's electronic filing system. Parties may access this filing through the Court's system.



Nicole L. Sanders (0077186)
Assistant City Solicitor